

**DRAFT**

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING  
June 2, 2022, at 11:00 a.m.  
Indiana Government Center South, Room W064  
402 West Washington Street  
Indianapolis, Indiana**

**CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by Kathleen Matuszak, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**BOARD MEMBERS PRESENT:** Kathleen Matuszak, Chairperson  
Thomas Sproles, Vice Chairman  
Frank Downing  
Christopher Cooke (electronically)

**STATE OFFICIALS PRESENT:** Tracy Hicks, Board Director  
Colette Ritter, Assistant Board Director  
Clarence Leatherbury, Deputy Attorney General

**ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke  
Motion carried.

**ADOPTION OF THE MINUTES FROM THE APRIL 7, 2022, MEETING OF THE BOARD**

A motion was made and seconded to adopt the April 7, 2022, minutes.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke  
Motion carried.

**OFFICE OF THE ATTORNEY GENERAL REPORT**

The Deputy Attorney General reported that, regarding civil cases and consumer cases, the OAG may or may not move forward with a consumer complaint. That would depend on the civil case. Consumer charges are usually related to criminal charges so administrative complaints usually wait until criminal charges are filed.

**PERSONAL APPEARANCE FOR COMPLIANCE OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. Jessen Funeral Home, FH19900057, FB40500016, FB41200011, and Clarence John Jessen, FD29400075, 2018 SBFCS 0006

Jessen appeared with his counsel. He reported Jessen has complied with the Order of the Board.

**CONSIDERATION OF VOLUNTARY SUMMARY SUSPENSION AGREEMENT**

1. Samuel W. Hall, FD01001942, 2022 SBFCS 0001

A motion was made and seconded to accept the voluntary summary suspension agreement.

Downing/Cooke

3/0/1

Voting in Favor: Kathleen Matuszak, Frank Downing and Christopher Cooke

Recused: Thomas Sproles

Motion carried.

## **ADMINISTRATIVE HEARINGS**

1. Funeral Directors Service, DBA Russell Funeral Home, FH10900002 & Gregory Majors, FD08701773, 2020 SBFCS 0003

A motion was made and seconded to issue a Notice of Proposed Default.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

2. Chapel Hill Memorial Gardens, CM41000004, CA210000046, 2022 SBFCS 0003 – **CONTINUED**
3. Darin R. Schutt, FD20200061, 2022 SBFCS 0008

A motion was made and seconded to waive the fine and require that he obtain 4 hours of Indiana Law continuing education hours within six months.

Sproles/Cooke

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

## **MOTION TO CONSOLIDATE**

1. Ellis Funeral Home LLC, FH11500004 CA21500028, Diangelo R. Wragg, FD22100005, and Craig Ellis, 2022 SBFCS 0004, 2022 SBFCS 0005, and 2022 SBFCS 0006

A motion was made and seconded to consolidate the matters.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

## **CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. Crown Hill Cemetery, CM407000004, 2021 SBFCS 0021

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

2. Stuart Mortuary, FH83003514 & Mara Stuart, FD01022538, 2020 SBFCS 0002

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Downing/Cooke

3/0/1

Voting in Favor: Kathleen Matuszak, Frank Downing and Christopher Cooke

Recused: Thomas Sproles

Motion carried.

## **PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR LICENSE**

### 1. Marvin Boatright

A motion was made and seconded to deny the application for funeral director license pursuant to IC 25-15-8-22 for use of "mortician" in his e-mail address, and pursuant to IC 23-14-54, for improper disposition of the remains of Pauline Keller, who was discovered in his funeral home unburied four years after her death.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

## **CONSIDERATION OF ACTION PLAN IN THE MATTER OF JOHN SHERRILL, 2021 SBFCS 0023**

A motion was made and seconded to accept the action plan.

Cooke/ Sproles

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

## **REVIEW OF 2019-2020 CONTINUING EDUCATION AUDIT FILES**

### 1. Andrew Arvin, FD09100018

A motion was made and seconded to impose a fine of \$5000.00 and required 10 CE hours within six months.

Sproles/Cooke

3/0/1

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Recused: Frank Downing

Motion carried.

### 2. Kip Castor, FD20200070

The Board took no action due to Mr. Castor passing away after he renewed.

### 3. James Maguire, FD20400061

A motion was made and seconded to impose a fine of \$5000.00 and required 10 CE hours within six months.

Sproles/Cooke

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

### 4. Raymond Smalley, FD21300057

A motion was made and seconded to impose a fine of \$5000.00 and required 10 CE hours within six months.

Sproles/Cooke

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

## **VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

### 1. Calumet Park Funeral Chapel for Dale Shurr

Re: Kraft Funeral Home, FH1000005 (Revoked)

A motion was made and seconded to approve the request in the amount of \$3965.00 with no interest due to the fact that the remainder of the at-need contract has been paid.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

## **REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES**

A motion was made and seconded to approve the National Funeral Directors and Morticians Association District IV - CE21500007, and Indiana Select Funeral Director and Mortician's Association - CE22000008, with the change from law hours to general hours for course #2 below.

### **National Funeral Directors and Morticians Association District IV - CE21500007 Indiana Select Funeral Director and Mortician's Association - CE22000008**

1. What This Generation of Funeral Director is Looking For - 9/19/21-1 CEU
2. Does This Family Need Legal Advice - 9/19/21-1 CEU (no law hours)
3. Embalmers Roundtable - 9/19/21-2 CEU Law
4. Managing The Family Funeral Home - 9/19/21-2 CEU

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

A motion was made and seconded to approve the CE requests as indicated below.

Sproles/Cooke

3/0/1

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Recused: Frank Downing

Motion carried.

### **Funeral Directors Life Insurance - CE21100035**

1. Online Shopping Isn't Just for Amazon: Funeral Homes and eCommerce - 5/19/22-1 CEU

A motion was made and seconded to approve the CE requests as indicated below.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing and Christopher Cooke

Motion carried.

### **MKJ Marketing – CE10800860**

1. MKJ Marketing's E- Commerce Mastermind Program - 3/10/2022-5 CEU

### **Wilbert Funeral Services - CE21500018**

1. Staying Relevant-Control your Destiny - 6/09/22-1 CEU
2. What you should know when handling sitting Member of Congress - 6/23/22 and 8.4.2022-1 CEU
3. Become the Brand Customers cannot live without - 7/09/22 -1 CEU
4. We got your data, Ransomware and Cyber Security - 5/26/22- 1 CEU
5. The Edematous case – 6/23/22 – 1 CEU
6. Line of Duty Death Funeral Honors and Protocols – 7/21/22 – 1 CEU

### **Ivy Tech Community College Mortuary Science Program - CE21600024**

1. PPE: an introduction to OSHA PPE - 8/25/22-1 CEU
2. Hazard Communication: Intro to SDS - 8/25/22-1 CEU
3. Traumatic Death: The Responders - 8/25/22-2 CEU

### **Selected Independent Funeral Homes - CE10800819**

1. Prepare and Protect: How You Can Help Clients Complete Their Digital Legacy Plan - 5/05/22-1 CEU
2. Ask the Expert (feat. Terry School) - 5/05/22-1 CEU
3. Best Practices Exchange - 5/05/22-1 CEU
4. Handling Difficult Customer Interactions - 6/02/22-1 CEU
5. Ask the Expert (feat. Beau Jarrell) - 6/02/22-1 CEU
6. Best Practices Exchange - 6/02/22-1 CEU

### **National Funeral Directors & Morticians Association CE10800785**

1. What is NFDMA, Inc & New Member Orientation - 7/31/22-1 CEU
2. Creating Meaningful Experiences to Grow Your Business – 8/1/22-1 CEU
3. Plans for Navigating Shifts in Customers Desires and Needs - 8/1/22-1 CEU
4. Owners Track - 8/1/22 1- CEU
5. Retirement and Tax for the 21<sup>st</sup> Century Business Owner - 8/2/22-1 CEU
6. Growth Mindset vs. Fixed Mindset - 8/2/22-1
7. Covid -19 Prevention Programs and Top 10 OSHA Violations - 8/3/22 1CEU
8. The Ethical Response When an Embalming Goes Wrong - 8/3/22-1CEU
9. Overcoming Challenges To Deliver An Unforgettable Final Viewing - 8/3/22-1 CEU
10. Doing More Than Funerals Meeting The Needs of The Community through Philanthropic Efforts - 8/2/22 1 CEU

### **Dodge Institute for Advanced Mortuary Studies CE10800649**

1. 2022 Dodge Technical Seminar Las Vegas – 11/10/22 – 11/11/22 – 9 CEU

### **NEW SPONSOR REQUEST**

#### **Rodenberger-Gray Funeral Home**

1. Disposition of Remains and Goods and Services 6/15/22-1CEU
2. Compassion Fatigue and Self-Care 6/15/22-1 CEU
3. Opioid Overdose, Accidental Exposure Training 6/15/22-1 CEU
4. Solving Your Firm Variable- The Profit Equation 6/15/22-2 CEU

#### **Frigid Fluid Company**

1. Embalm Better Conference 06/08/22-06/10/22- 6 CEU

### **ADJOURNMENT**

The meeting adjourned at 12:31 p.m.